"MISUSE OF LAWS RELATING TO SEXUAL OFFENCES: AN IMPACT ANALYSIS IN THE DELHI NCR REGION"

Synopsis of the research proposal
submitted for the registration in the

Ph.D. program in Law

By

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Under the guidance of

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LIST OF ABBREVIATIONS

AI – Artificial Intelligence

BNS – Bharatiya Nyaya Sanhita, 2023

CrPC – Code of Criminal Procedure, 1973

CWC – Child Welfare Committee

FIR – First Information Report

HC – High Court

ICC – Internal Complaints Committee

IPC – Indian Penal Code, 1860

IT Act – Information Technology Act, 2000

JJ Act – Juvenile Justice (Care and Protection of Children) Act, 2015

JJB – Juvenile Justice Board

LCI – Law Commission of India

NCRB – National Crime Records Bureau

NGO – Non-Governmental Organisation

OCM – Online Child Maltreatment

PCMA – Prohibition of Child Marriage Act, 2006

PLD – Partners for Law in Development

SC – Supreme Court of India

SJP – Special Juvenile Police Unit

SRO – Statutory Reporting Obligation

UNCRC – United Nations Convention on the Rights of the Child

UNICEF – United Nations International Children's Emergency Fund

VIA – Victim Impact Assessment

WCD – Ministry of Women and Child Development

LIST OF CASES

Supreme Court of India

1. *Pramod Suryabhan Pawar v. State of Maharashtra, (2019) 9 SCC 608*
2. *Dr. Dhruvaram Murlidhar Sonar v. State of Maharashtra, (2019) 18 SCC 191*
3. *Deepak Gulati v. State of Haryana, (2013) 7 SCC 675*
4. *Uday v. State of Karnataka, (2003) 4 SCC 46*
5. *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335
6. *Sonu @ Subhash Kumar v. State of Uttar Pradesh, (2021) 18 SCC 517*
7. *Maheshwar Tigga v. State of Jharkhand, (2020) 10 SCC 108*
8. *Kaini Rajan v. State of Kerala, (2013) 9 SCC 113*
9. *Radhu v. State of Madhya Pradesh, (2007) 12 SCC 57*
10. *Jaspal Singh Kaural v. State (NCT of Delhi), 2024 SCC OnLine SC*
11. *Amol Bhagwan Nehul v. State of Maharashtra, 2025 SCC OnLine SC 782*
12. *Samadhan v. State of Maharashtra, 2025 SCC OnLine SC 2528*
13. *Sonu @ Subhash Kumar v. State of Uttar Pradesh, (2021) 18 SCC 517 (additional reliance for evidentiary scrutiny)*
14. *Maheshwar Tigga v. State of Jharkhand, (2020) 10 SCC 108 (consensual relationship doctrine)*

Delhi High Court

15. *Mahmood Farooqui v. State (Govt. of NCT of Delhi), 2017 SCC OnLine Del 8203*
16. *Dharmendra Kumar v. State (NCT of Delhi), 2019 SCC OnLine Del 11688*
17. *Ritik Bansal v. State (NCT of Delhi), 2023 SCC OnLine Del 1435*
18. *Ajay Kumar v. State (NCT of Delhi), 2021 SCC OnLine Del 4158*
19. *Vijayalakshmi v. State, 2021 SCC OnLine Mad 192*
20. *Rajiv Mohan v. State (NCT of Delhi), 2022 SCC OnLine Del 1507*
21. *Amit v. State (NCT of Delhi), 2020 SCC OnLine Del 236*
22. *CRL.M.C. 3061/2025, Judgment dated 03.09.2025 (Delhi High Court)*
23. *BAIL APPLN. 4938/2025, Judgment dated 17.01.2026 (Delhi High Court)*
24. *CRL.M.C. 3/2025, Judgment dated 12.01.2026 (Delhi High Court)*
25. *CRL.REV.P. 691/2023, Judgment dated 16.12.2025 (Delhi High Court)*
26. *Mr. Ahmad Ibrahim v. State (NCT of Delhi), 2025 SCC OnLine Del*

Other High Courts (Supporting Jurisprudence on Misuse)

27. *Baladhandapani v. State of Kerala*, 2019 SCC OnLine Ker

28. *Prashant Bharti v. State (NCT of Delhi)*, (2013) 9 SCC 293 *(often cited in quashing false FIRs)*
29. *Ankit Raj v. State (NCT of Delhi)*, 2024 SCC OnLine Del
30. *XYZ v. State of Gujarat*, 2022 SCC OnLine Guj
31. *Ranjit Hazarika v. State of Assam*, (1998) 8 SCC 635 *(false implication caution)*

On Custody, Bail & Abuse of Process

32. *Som Mittal v. Government of Karnataka*, (2008) 3 SCC 574
33. *Satender Kumar Antil v. CBI*, (2021) 10 SCC 773
34. *Sundeep Kumar Bafna v. State of Maharashtra*, (2014) 16 SCC 623
35. *Arnesh Kumar v. State of Bihar*, (2014) 8 SCC 273

"MISUSE OF LAWS RELATING TO SEXUAL OFFENCES: AN IMPACT ANALYSIS IN THE DELHI NCR REGION"

ABSTRACT

Indian law regarding sexual offences has witnessed revolutionary changes during the last four decades owing to feminism, judicial activism, and public fury over institutional failure to tackle sexual assaults. Sexual offences after Nirbhaya and the introduction of POCSO Act, 2012 have made the protective regime stronger by widening definitions, increasing penalties, and setting special processes in place[1]. However, new judicial trends, empirical investigations and socio-legal research, reveal a contrasting and disturbing truth: these safeguarding laws are frequently invoked in contexts far removed from the legislative intent. Rape provisions under Section 376 IPC[2] (now Sections 63-64 BNS[3]) are frequently used in disputes arising from failed romantic relationships, matrimonial discords, allegations of false promise of marriage, and interpersonal conflicts. POCSO[4] is also often used in cases of consensual relations between adolescents, often initiated by parents to enforce family honour, caste boundaries or social control.

This research critically interrogates these patterns of misuse, to conceptualize them not as particular instances but as fundamental outcomes generated by doctrinal overbreadth, regulatory standards, institutional norms, and socio-cultural expectations. By using doctrinal research, case law synthesis, secondary information from NCRB, and primary qualitative information from legal experts, students, and other stakeholders, including judges, NGOs, academicians, etc., the research explores the manifestation of misuse in social, judicial, and procedural spheres. The conclusion shows that misuse leads to criminalization, physical abuse in custody, trial delays, and stigma, and at the same time undermines the credibility of valid claims[5]. The research further situates misuse within a constitutional framework, highlighting violations of Articles 14, 19, and 21[6] arising from over-criminalization and arbitrary arrests, with special emphasis on the Delhi NCR region.

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[1] The Protection of Children from Sexual Offences Act, 2012
[2] The Indian Penal Code, 1860, Section 376
[3] Bharatiya Nyaya Sanhita, 2023, Section 63 & 64
[4] Id. at 1
[5] National Crime Reports Bureau (NCRB), Crime in India Report 2023, Ministry of Home Affairs, Government of India.
[6] The Constitution of India

The research thus seeks to establish a balance between the objective of protecting individuals from sexual offences on one hand and ensuring due process and avoiding wrongful allegations against accused persons on the other hand. This is done through the adoption of doctrinal, procedural, and policy changes, such as close age exemption in POCSO, proper understanding of the doctrine of false promise of marriage, application of proportionality in reviewing the statutes, improving the threshold level of investigation, and aligning the legislation with the constitution on issues of autonomy and dignity[7].

[7] Id at 1.

1. INTRODUCTION

Violence against women through sexual abuse continues to be one of the most rampant forms of gender-based violence in India. The legal progression of rape and child-protection laws is an outcome of several years of activism by feminists, judiciary, and public opinion that have pushed for a more compassionate and sympathetic criminal justice system. Starting from the outburst of public anger post the Mathura Rape Case (1979) to the revolutionary country-wide protests post the Nirbhaya case (2012)[8], there have been some major changes in the criminal laws related to sexual crimes. The 2013 amendment to the Indian Penal Code was known as The Criminal Law (Amendment) Act, 2013, which widened the scope of sexual crimes through amendments in the provisions of Section 375 of Indian Penal Code, making new offences like 'stalking' and 'voyeurism', introducing minimum sentences and providing for "affirmative consent" as statutory bar to Anticipatory Bail[9]". At the same time, the Protection of Children from Sexual Offences (POCSO) Act, 2012 has developed a gender-neutral and child-friendly statutory framework with harsh punishments and specialized judicial processes through assigned Special Courts[10].

Nevertheless, the application of these laws has brought to light a situation that is more complicated than what was initially perceived. More and more empirical studies, judicial rulings, and socio-legal perspectives are coming forward with examples where such legislation is used for purposes other than those intended. Charges of rape made under Section 376 IPC[11] (now S.63 - 64 BNS[12]) are often made in situations where there is a break-up of a romantic relationship, or where there is a charge of broken promises of marriage, or personal issues driven by social pressure, emotional issues, or matrimonial disagreements. The courts have time and again noted that not every instance of a relationship breaking down can be included in the definition of rape.

A similar pattern emerges under POCSO[13], whose strict-liability structure designed to ensure absolute protection to children has inadvertently resulted in the criminalisation of consensual

[8] Nirbhaya Gang Rape Case, Mukesh v. State (NCT of Delhi), (2017) 6 SCC 1 (SC)
[9] The Criminal Law (Amendment) Act, 2013 (Act 13 of 2013), Gazette of India, Extraordinary, Part II, Section 1, No. 25, dated 2 April 2013.
[10] Id at 1.
[11] Id at 2
[12] Id at 3.
[13] Id at 1.

adolescent relationships among other instances. Studies by HAQ[14], PLD[15], and Vidhi Centre for Legal Policy[16] reveal that nearly one-third of POCSO[17] prosecutions involve consensual intimacy between adolescents, often triggered by parental disapproval rooted in caste, honour, or community norms. Courts across the country including the Madras, Bombay, Delhi, and Karnataka High Courts have expressed concern that POCSO is increasingly deployed as a tool for social control, rather than child protection, and have urged the need for judicial and legislative recalibration. One such concerning trend is also seen matrimonial discords where the party having the custody & confidence of the child roping the other partner in POCSO related offences for the purpose of fulfilling personal vendetta or vengeance and/or with ulterior motive of wrongful gain from the other matrimonial partner.

This new trend of abuse cannot be brushed off as just anecdotal. Although the requirement to compulsorily register FIRs in Lalita Kumari v. State of U.P. (2014), though essential to ensure the timely action in real cases, inadvertently facilitated the mechanical FIRs in sensitive cases involving intimate relations. Police, fear of the disciplinary action of non-registration, tends to avoid preliminary scrutiny even when the factual matrix indicates that there is interpersonal conflict, and not sexual assault. This has consequences of immediate arrests, extended imprisonment, social stigma, and lengthy trials which are especially harsh in view of the high bail requirements and presumptions inherent in sexual-offence legislation.

Misuse, as conceptualised in this study, does not mean that complainants deliberately make up their claims; rather, it is the structural and systemic ways in which broadly framed protective legislation are invoked beyond their legislative intent, leading to violations of Articles 14, 19 and 21 through arbitrary arrests, disproportionality, reputational damage and intrusion into personal autonomy.

The criminalization of consensual adolescent intimacy under POCSO ignores the doctrine of evolving capacities under the UN Convention on the Rights of the Child, and raises questions of proportionality and arbitrariness. Similarly, misusing rape law in failed love affairs violates the right to dignity, reputation, equality, and personal liberty, as per the case of Subramanian

[14] HAQ: Centre for Child Rights, Implementation of the Protection of Children from Sexual Offences Act, 2012: A Study of Legal and Institutional Frameworks (HAQ: Centre for Child Rights, New Delhi, 2017)

[15] PLD (People's Legal Defence), Access to Justice and Criminal Law Implementation in India: An Empirical Study (PLD Publications, New Delhi, 2016)

[16] Vidhi Centre for Legal Policy, From Protection to Process: Examining Procedural Fairness in Sexual Offence Laws (Vidhi Centre for Legal Policy, New Delhi, 2020)

[17] Id at 1.

Swamy vs Union of India, 2016[18]. Inconsistent judicial application despite clarifications such as the Supreme Court's ruling in Pramod Suryabhan Pawar (2019)[19] further exacerbates uncertainty, reinforcing the need for a systematic, doctrinal, and empirical examination.

This study places the problem of misuse not as a marginal deviation but as a structural issue of occurrence due to the intersection of gender justice, adolescent autonomy, expansion of criminal law, and social norms. It seeks to establish a balancing framework to recognise the need to have strong sexual-offence laws as well as the equally important need to prevent unintended, rights-violating consequences of such laws. The study makes four major contributions: it undertakes a comprehensive doctrinal and empirical analysis of misuse under both rape laws and POCSO[20]; it develops a theoretical perspective as grounded in the feminist jurisprudence, socio-legal scholarship and child-rights theory to explain how protective statutes can transform into an instrument of coercion, and it proposes policy reforms such as close-in-age exemptions, proportionality review, and procedural safeguards to reconcile statutory objectives with constitutional rights. By so doing, the study aims at adding to the dynamic discourse of gender justice, child protection, criminal-law reform, and constitutionalism in India. Instead of undermining protective legislation, the goal is to add credibility to it, make sure it is used judiciously and ensure that the criminal justice system is effective and fair. In the context of this research, the term misuse will be used to mean the invocation of the law of sexual offence in a situation where the essential ingredients of the criminal act that constitute the criminal act are prima facie not established, or where the criminal law is being implemented as a means to an end such as coercion, social control, or the use of arbitration as a mechanism to resolve disputes.

[18] Subramanian Swamy v. Union of India, (2016) 7 SCC 221 (SC).
[19] Pramod Suryabhan Pawar v. State of Maharashtra, (2019) 9 SCC 608 (SC)
[20] Id. at 1.

2. LITERATURE REVIEW

1. **Rijiju, N., & Choudhury, P. (2026) -** The Protection of Children against Sexual Offences (POCSO) Act of 2012 is an important legislative tool in India that helps in preventing sexual abuse and exploitation against children. Nonetheless, its execution is marred with problems, which hinder effectiveness. Some of the key barriers identified include lack of awareness among the stakeholders, lack of reporting of cases, and delays in procedures, the lack of support systems to support the victims, and the stigma associated with the issue. This analysis puts these problems in a global perspective by comparing them with international standards of child protection, including the UNCRC, and analyzing best practices in the UK, US, and Australia. The results show that although there has been some improvement in the area of child protection with the introduction of the POCSO Act, there are still a lot of gaps in the implementation and the practical use of the law. The absence of institutional capacity, uneven enforcement and cultural stigma have had a significant role in hindering timely justice to child victims. Moreover, these issues are aggravated by a lack of child-friendly infrastructure and insufficient training of frontline responders, which implies that legal reforms will demand significant investments in infrastructures and cultural shifts in the respondents. In the future, India needs not only to improve the enforcement of the POCSO Act but also to promote the social acceptance of child safety in India. This involves enhancing community education on child rights, investment in the required infrastructure, provision of safer environments to children and a culture of reporting of abuse. To bridge the law and lived experience gap, interagency collaboration, continuous assessment of policies and incorporation of survivor perspectives in policymaking are necessary. After all, although the POCSO Act offers a solid foundation, it is the collective effort of government, civil society, and communities that will determine the future of child protection in India, which will provide children with a life free of fear and harm.

2. **RAFIQ, A. (2026).** The POCSO Act, 2012 is an important legislative initiative by India to meet its international commitments regarding child welfare. The success of this act lies in its continuous implementation, institutional support, and preventive strategies. It is imperative for India to harmonize domestic policies with international standards.

3. **Barath, D., & Trivedi, S. (2026).** In the context of this paper, there is an extensive socio-legal examination of the evolution of the field of victimology in India, taking special reference to recent legal developments within the sphere of criminal laws in relation to violence against women. The paper illustrates that this structural change signifies a significant change in the philosophy of criminal justice from being primarily offender-oriented to the present trend whereby the importance of victim is increasingly recognized as central to justice delivery. This examination involves reference to the groundbreaking Bharatiya Nyaya Sanhita (BNS) 2023, legislative measures, judicial dicta and institutional mechanisms that have led to such a transformation in the Indian criminal justice system. The article also looks into the practical difficulties faced while implementing the victim-centered approach to criminal justice, the deficiencies in the existing systems and the new possibilities in adopting the principles of restorative justice towards developing an effective justice system that reflects constitutional and international values.

4. **Motiani, J., & Vora, K. (2025)**. The current research critically examines the dynamics of sexual crimes against women in India, analyzing the historical evolution, legislation, judicial trends, and impact on society. It sheds light on the main legislative milestones like the Criminal Law (Amendment) Acts in 1983 and 2013, the POCSO Act, and the Sexual Harassment of Women at Workplace Act, 2013. The major judicial precedents such as Tukaram v. State of Maharashtra and Mukesh v. State are discussed in terms of their impact on consent and justice based on the victim. Nevertheless, there are still problems such as underreporting, stigma, and gender-insensitive implementation. The media role is examined as an agent of change as well as secondary victimization. Comparative experience between the UK, the US and South Africa points to loopholes in the Indian legal system. The paper recommends comprehensive reforms, including gender-sensitive policing, trauma-informed practices, and restorative justice, as well as the changes in the societal attitude to successfully interact with the sexual violence and effectively implement gender justice.

5. **Bhushan, M. (2025, June)**. The need to ensure effective institutional frameworks to child protection in India is a pressing challenge, especially in the context of harmonizing national laws with international commitments in the United Nations Convention on the Rights of the Child (CRC). This paper critically analyzes Protection

of Children against Sexual Offences (POCSO) Act, 2012, and its compliance requirements of educational institutions, health care providers and corporate entities in the larger context of sustainability, equity and ethics. The study investigates the obstacles encountered in institutions in the implementation of policies sensitive to victims, accountability, and policy-practice gaps. The gap in the enforcement mechanisms, coordination of the stakeholders, and capacity building processes that are hindering the actualization of a child centered institutional framework justifies the need of the study. This research is novel in that it is a comprehensive legal evaluation of the institutional accountability under the underpinning of sustainability and ethical governance. The research adopts a doctrinal approach to methodology by critically examining the legislative provisions, judicial precedents, and policy frameworks in a bid to make actionable recommendations. The findings add to the discussion on sustainable institutional governance, the significance of legal accountability, intersectoral cooperation, and policy coherence in promoting child protection in India within a globalized world.

6. **Bansal, A., & Matolia, M. (2025).** The conventional system of criminal justice which has traditionally been founded on the offender and the state has often marginalized the victim and made him or her a mere peripheral figure. Nevertheless, the world has gone through a paradigm shift to victim-centric governance that recognizes the victim as a key stakeholder in whose rights, needs and well-being are paramount in pursuing justice. The paper will attempt to do a thorough study of victim-centric governance in the criminal justice system, with a close reference to India. It discusses the development of victim rights, reviews major legislative frameworks, judiciary statements, and policy measures in India aimed at empowering victims and incorporating their interests into the administration of justice. The paper explores some of the key areas such as the right of victims to information, protection, participation, restitution, and compensation and delves into some of the most significant laws, including the Criminal Procedure Code, particular acts like the Protection of Children from Sexual Offences (POCSO) Act, 2012, and landmark Supreme Court judgments. In addition, it critically evaluates the actual implementation of such policies in practice and identifies significant challenges such as implementation gaps, resource constraints, lack of awareness, societal stigma and inter-agency coordination issues. Lastly, the paper presents a list of actionable recommendations to narrow the policy-practice gap and transform India into a truly

victim-centric criminal justice system, proposing comprehensive victim rights laws, increased funding, capacity building, and a more robust support infrastructure.

7. **Rathod's (2024)** False Rape Accusations in India SSRN study offers one of the most thorough scholarly works on false rape allegations, combining insights from the field of legal theory, social attitudes, and the latest technologies. Specifically, the research claims that false rape allegations result not only from personal intentions but also from institutional determinants, including Ambiguous consent laws, Shifting burden of proof laws, Social stigma and reputational leverage, and Digital communications trends.

8. The paper argues that the phenomenon is statistically small, but not negligible, and has disproportionate and severe consequences for the wrongly accused. Rathod's work is especially relevant to ground the theoretical framework on misuse as a socio-legal construct and not an isolated anomaly in this dissertation.

9. **Nikunj Kulshreshtha, (2023)** Consent has been defined statutorily as an unequivocal voluntary agreement since the enactment of the Criminal Law (Amendment) Act, 2013. Kulshreshtha's doctrinal analysis shows that even though the statute is clear, judicial determination of consent is still affected by additional factors such as prior intimate relationship, delay in filing reports, and post-incident conduct. The literature highlights that this inconsistent application produces uncertainty, simultaneously enabling victim stereotyping and increasing the risk of wrongful implication in acquaintance-rape cases.

10. **Manoj (2021)** investigates emerging gaps in India's legal capacity to address online child sexual abuse (OCSA). The study argues that technological complexities anonymity, cross-border evidence, encrypted communication, platform non-cooperation generate significant investigative and prosecutorial inconsistencies.
    Importantly, these gaps also create conditions where ambiguities in digital communication can be interpreted in conflicting ways by complainants, investigators, or defence counsel. As a result, the digital context may enable both under-protection of victims and claims of false allegations, particularly where documentation (screenshots, chats) is incomplete or manipulable. This literature helps situate the misuse debate within India's rapidly digitising sexual-crime landscape.

11. **Kumar, S. (2023).** The current research attempts to analyze the sociological and legal impact of POCSO Act 2012 in India, emphasizing issues related to justice for child victims and offenders. This empirical study has adopted qualitative research techniques and performed face-to-face interviews with 49 participants and courtroom observations in special courts for six months in the states of Bihar and Delhi. It is found that while there is an improvement in the infrastructure and awareness of court officials about children's testimonies in Delhi, there is a dearth of skilled professionals and appropriate facilities in Bihar.

12. **Pattath, A. R., Saju, J. M., Choudhary, S. K., Singh, U. P., Dev, K., & Mittal, A. K. (2023)**. The passage of the POCSO Act in 2012 heralded a significant milestone in India's criminal justice system, focusing on preventing child sexual abuse and accelerating justice for the affected children. This research will examine the provisions of the Act and identify problems with its implementation. In addition, it is crucial to note that forensic and medico-legal experts play a vital role in the investigation and prosecution of child sexual abuse cases. The examination of data available from the National Crime Record Bureau demonstrates a consistent rise in the number of incidents of child sexual abuse from 2010 to 2019, only to witness a sharp decline in 2020, which was the most recent year under study. The highest number of cases were reported in Uttar Pradesh. Children aged 16 to 18 are at the greatest risk, whereas male victims are fewer.

13. **Muruganandhan, S., Akshayareena, S. V., Jayashree, G., Aujita, P. A. J., Vinothina, V., & Sivasubramanian, K. (2025)** Child sexual abuse is one of the major concerns worldwide, and under-reporting remains prevalent in India. There were 53,874 cases reported for the year 2021 under the Protection of Children from Sexual Offences Act (POCSO), 2012, whose purpose is the protection of children from sexual offenses. In this paper, the efficacy of POCSO in child protection will be investigated and the role played by quality of life, sex ratio, gross enrollment ratio, judicial improvement, and safety of people in decreasing the incidence of POCSO cases will be explored. As per the results, POCSO has resulted in decreasing the growth rate of sexual offense against children by 4.681% to −4.611%.

14. **Chadha, Saxena and Pundhir (2023)** address the "dilemma of rape, consensual sex and perjury" under modern Indian rape laws. This research underscores the impact of evidentiary presumptions, the targeted approach taken by the judiciary for investigating complainants' integrity, and the changing interpretation of "consent" on creating an intricate interpretation landscape. According to the study, consensual activities might sometimes become categorized as rape when the parties engage in relational disputes following Section 114A Evidence Act, putting the burden of proof on the accused. In this regard, Chadha et al. have identified the following two major issues:
    1. To prevent the conviction of innocent persons on charges of rape where there is any ambiguity regarding sexual consent, and
    2. Never to deny the testimony of genuine rape victims because of patriarchal notions.

15. **Rishita (2023)** Rishita (2023) provides a rights-based analysis of the misuse claims against women-centric statutory protections. Using case studies including cases with false evidence, the author finds that misuse can cause serious legal social and economic damage to the accused. Most importantly, the article also stresses that misuse destroys public faith in laws designed to protect actual victims and therefore undermines the very reforms feminists fought for. The proposed sanctions for false complaints, increased rigor in investigation, and support structures for all parties involved correspond with the procedural-fairness ethos developed in this dissertation.

16. **State of Karnataka v. Basavraj, (2023)** The increasing dissatisfaction with the rote implementation of POCSO in cases involving adolescents' sexual activities can be seen through the judicial trends regarding bails and quashes. It has been consistently argued by the courts that one must distinguish between an exploitation and adolescent's sexual relationship, although in a case-by-case basis only.

17. **As Kulshreshtha (2022)** notes in her critical analysis of the standards of consent in India's rape laws, the judiciary continues to depend on behavioral expectations, reasonableness tests, and judgments on the morality of delayed complaints. Such practices have been found to undermine victims' testimonies while at the same time creating space for defense claims of false implication through ideal victim conduct.

By using governance feminist approaches in analyzing her argument, the researcher claims that despite their noble intentions, some rape law amendments lead to coercive or excessively broad laws that create vulnerability for the accused party. The literature reviewed above plays a crucial role in the development of the current research since it is concerned with the same issues.

18. **Gupta, K., & Pandey, S. (2022).** A critical analysis more than a decade after the enforcement of the POCSO Act proves that there have been commendable efforts to improve the effectiveness of the POCSO Act in ensuring legal protection to children against sexual offences in India. The formation of special courts, the adoption of procedures friendly to children, and the gender-neutral character of the POCSO Act are some of the accomplishments of this legislation. However, a considerable difference exists between what the POCSO Act aims to achieve and what is being achieved on the ground. Issues like underreporting cases owing to the social stigma attached to it, delays in the processes of investigation and trials, lack of services for victims of abuse, and disparities between regions in terms of enforcement are factors that hinder the efficiency of the POCSO Act. There are also challenges associated with ambiguity about the issue of consent, inflexibility in sentencing, and conflict with personal laws, like allowing child marriages.

19. **Siya and Arin Gupta (2022)** highlight abuse of power under various acts related to women such as the Domestic Violence Act, the Dowry Prohibition Act, and laws related to sexual harassment. Their entire argument is based on the presumption that even though these laws had been crucial in the past in breaking down patriarchal oppression, lack of adequate procedural protections has made laws vulnerable against men. They suggest the use of Mediation in disputes arising within relations, guidelines to evaluate prima facie claims and stricter punishments for proven false allegations.

20. **Ankita, G. K. (2021)** In this paper as we all know that the rape is considered as a stigma in our society and those who become the victims of it are treated as destroyed by our society. The children, girls and women, who face this stigma, also face many problems post-assault. SANE programs play a significant role towards the care of rape victims as they are providing extensive medical treatment, legal help as well as emotional support. There is a need to develop more programs in the country to provide all the possible medical services, care, and support to the rape survivors. Also more studies should be

conducted to find out the causes, study the impacts and to develop best possible approaches for the rape victims. There should be strict laws and actions should be taken against the perpetrator. So, that every women can feel safe, protected in every corner of the society, nation and across the world.

21. **Damodharan, D., Sravanti, L., KiragasuruMadegowda, R., & Sagar, J. V. (2021).** CSA is a social problem. Therefore, it needs collaboration of multiple agencies – those from the government sector, health sector, schools, child care institutions, law enforcement, judiciary bodies and non-governmental agencies to combat this social evil. While there is a very child-friendly act in place, it takes efficient implementation of the same to provide justice to the victims. Therefore, all the stakeholders should coordinate to provide best of care to all the children. Legal authorities should take cognizance of its limitations and provide appropriate provisions to address the same. Moreover, it is the duty of every responsible citizen to ensure a safe, enriching and secure environment for children to grow with dignity and protect them from any kind of violence. As they say, "Charity begins at home", so every common man can play his/her role in contributing towards improving awareness by encouraging people to talk openly about it and reducing stigma.

22. **Pallathadka, H., Kumar, S., & Kumar, V. (2021).** Proper care is essential for children to become useful members of society. Nevertheless, children are highly susceptible to various abuses, including sexual violence, which is considered an extreme human rights violation. The impact of child sexual abuse on the physical and psychological well-being of the child is profound and often not disclosed due to reasons such as social embarrassment. The Indian Protection of Children from Sexual Offences (POCSO) Act, 2012, intended to address this problem, but its failure is evident due to poor implementation and lack of interest among the police force, exemplified in cases of gang rape. In this paper, the prevalence of child sexual abuse in India is analyzed. The legal framework of the POCSO Act and its amendments are examined, with the identification of additional methods to solve this rising problem, exacerbated by the COVID-19 pandemic.

23. **Varghese, D. P., & John, S. (2021).** In order to handle the obnoxious crimes of sexual nature against children through strict legal provisions, the Ministry of women and child

development promoted the Introduction of the Protection of Children from Sexual Offences Act, 2012. “The act defines a child as any person below the age of 18 years and regards the best interests and welfare of the child as being of paramount importance at every stage, to ensure the healthy, physical, emotional, intellectual and social development of the child.” It defines different forms of sexual abuse, penetrative and non-penetrative assault, as well as sexual harassment and pornography, and deems such sexual assault to be “aggravated” under certain circumstances, such as when the abused child is mentally ill or when the abuse is committed by a person in a position of trust or authority vis-à-vis a child, like a family member, police officer, etc. People involved in child trafficking for sexual purposes are also punishable under the provision relating to abetment in the act.

24. **Anupama Sharma (2020)** South Asian comparative study critically evaluates gender-specific sexual-offence laws. While acknowledging historical violence against women, the study argues that categorical assumptions of male perpetration and female victimhood obscure false implication and exclude male and non-binary victimisation. The literature situates Indian rape law within this gendered paradigm, cautioning that absence of neutrality weakens procedural legitimacy and fuels misuse narratives.

25. **Srivastava, S. (2020)** Indian children constitute more than 40 per cent of the country population but the statistics of sexual abuse are alarming with more than 1.5 lakh pending cases. Child sexual abuse (CSA), which can be defined as sexual victimization of persons under 18, is a serious issue, which is further exacerbated by the lack of social acceptance and the ineffective efforts of the legislature. The problem of enforcing these laws is marred by delays and inefficiencies within the judicial system though India has signed the United Nations Convention on the Rights of Children and other laws such as Article 21, which enforces the convention on the rights of children. The practical implementation of the POCSO Act, which requires a trial within one year, is often in practice unsuccessful, resulting in few convictions, and no death penalties awarded due to over 17,500 cases of child rape in 2019. In order to actually protect children against sexual offences, there is an urgent demand to empower the available laws and ensure that they are enforced, instead of just amending the laws.

26. **Dr. Mukesh Yadav (2020)** This paper seeks to draw attention to the forensic and procedural flaws in rape investigation that can lead to wrongful acquittal as well as wrongful conviction. He says that the rising cases of false rape (especially in relational, matrimonial and property-dispute cases) are an increasing challenge to the justice system. The article suggests that misuse does not just victimize innocent persons, but also it is a waste of institutional energy that would otherwise be directed to actual victims. Yadav recommends Strengthening scientific research, Developing specialized training of IOs, Reforming procedural protection, and Providing legal redress to the victims of false accusations. These points are in line with the thesis statement of having a calibrated system that does not affect the victim protection at the expense of fairness. The feminist critique of Indian rape law got a doctrinal force with the decision of the Supreme Court in the Mathura rape case (Tukaram v. State of Maharashtra), which revealed deep-seated patriarchal assumptions with regard to consent, resistance and credibility of the prosecutrix. According to the uniform opinion of academic literature, this judgment represented a turning point, which altered the discourse of moral evaluation of the victim to structural reform of criminal law. Feminist scholars criticize that whereas post-Mathura amendments treated the visible injustice of the evidence, they have initiated a gradual excess of privilege in support of accusation over adjudication, and thereby raise the issue of procedural imbalance.

27. **Pramod Suryabhan Pawar v. State of Maharashtra, (2019)** There is clear doctrinal conflict regarding rape cases founded upon a false promise of marriage in judicial and scholarly discussions. The judgments from the Supreme Court in cases like Pramod Suryabhan Pawar and Dhruvaram Sonar endeavored to draw the line between an ordinary breaking of promise and deceitful inducement from the start. However, it can be seen from the literature that courts have been found to fail to differentiate between the two, thus criminalizing consensual failures.
28. **The HAQ: Centre for Child Rights (2018)** report represents one of the most comprehensive studies regarding POCSO trials, examining more than 700 judgments in several states. One of the conclusions from this work was that around 30–45 percent of all POCSO cases were consensual sexual relationships involving adolescents. In many cases like the above case, the "victim" girl supported the accused in her statement. Also, in other cases parents had lodged complaints against eloping or inter-caste relations and/or the boy had been criminally prosecuted for consensual relations. The

judiciary including the Madras High Court (2019-2021) has recognised such distortions and called on the legislature to include close-in-age exceptions. Recent observations by the Supreme Court (2024-25) too acknowledge such distortions.

The above literature is significant for the thesis as it shows how statute overreach can end up criminalising normative adolescent behaviour, thereby increasing POCSO abuse.

29. **Yadav, D. G. (2018).** This chapter critically examines workplace sexual harassment in the Indian context as described in the edited book, "Working Women in India). It discusses the incidence, shapes, and effects of sexual harassment on working women, the interplay of gender, power relations and organizational culture. The chapter critically analyses the legal structure, and specifically the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, in terms of its efficacy in safeguarding women and facilitation of safe workplaces. The analysis determines through a review of case studies and empirical findings that the gaps in law enforcement, organizational policies, and societal attitudes are responsible gaps that hinder the elimination of workplace harassment. The chapter finally ends with recommendations on how to strengthen legal mechanisms, enhance organizational accountability and a cultural shift towards zero tolerance of sexual harassment in the workplace, ultimately, aimed at empowering women and securing their rights and dignity in the workplace.

30. **Nag, A., & Sharma, S. (2018).** In this paper, the author will discuss the disturbed rate of crimes against the children in India with the number of registered cases rising to 94,172 in 2015 as compared to 58,224 in 2013. The most common ones are trafficking, kidnapping, rape, feticide, and forced prostitution. Another act, the POCSO Act, which was introduced in 2012, is aimed to introduce to these crimes a child-friendly approach, but the implementation continues to be inadequate. The paper outlines how the situation should be improved on accountability, more centers specialized in child law and more resources to effectively advance the interests of children and inculcate social change. Although there are models and laws of welfare, the practical aspect is lagging and requires more investment on infrastructure and hiring of special staff to help in child care.

31. **Gupta, A. (2018).** In reaction to the outrage of the public over the Kathua and Unnao rape cases, some radical changes were enacted in the laws against sexual assault with the Criminal Law (Amendment) Ordinance, 2018, that subsequently became an Act. The article is a critique of the haste with which these legal reforms are arrived at and the fact that, these legal reforms are the result of popular pressure and thus are not based on sound legal reasoning. It looks at the inconsistencies and ambiguities in the new anti-rape laws and raises concerns regarding the constitutional implications of the new laws. The author shares the view of Macaulay about the type of good legal code, saying that the current situation with the Indian Penal Code (IPC) does not correspond to this ideal, and that poorly written amendments may overload judicial system and lead to a dysfunctional criminal justice system.

32. **Seth, R., & Srivastava, R. N. (2017).** Child Sexual Abuse is one of the issues in India and across the globe and in most cases, the first point of contact between and with the affected children and families is often the pediatrician and other medical practitioners. They are important in detection, care and support. The Protection of Children against Sexual Offences Act (POCSO), which was enacted in India in 2012, requires reporting of abuse and establishes the guidelines to be adhered to when examining the victims. Pediatricians and other healthcare practitioners need to become competent in the clinical assessment, prevention, treatment, and reporting of child sexual abuse.

33. **Vishwanath, J. (2016).** Child Sexual Abuse (CSA) is the act of sexually exploiting a child by an adult or an older individual. Although there have been many legal efforts made internationally and awareness about CSA has increased, CSA is vastly under-reported in Indian society and affects children irrespective of their social status and gender. Child sexual abuse is one of the causes for the severe deterioration of the quality of life of the victim. There are various reasons for the prevalence of CSA in India which include lack of concern within the society, absence of proper action taken by the community, authorities, family members, and law enforcement agencies. It is due to this context that the Protection of Children from Sexual Offences Act, 2012 came into existence. The research paper provides information about the global and Indian statistics concerning CSA, assesses the international laws regarding the protection of children against sexual offences, and critically analyzes India's response to the crisis. It also suggests various ways in which the problem of CSA can be addressed.

34. **Kumari, V., & Barn, R. (2017).** The purpose of this paper is to explore attitudes about rape and sentencing in the Indian high court judges. It adopts a mixed methods research design, which will help increase knowledge about gender, sexual violence, and the criminal justice process. Specifically, this study explores 55 rape cases from 2012, during the year marking the 20-year implementation of mandatory minimum sentences put into effect in 1983. From the 10 judges interviewed, and the 261 criminal justice officials surveyed, it becomes apparent that judicial discretion tends to ignore aggravating circumstances, illustrating a difference between harsh legislative punishments and sentencing practices.

35. **Moirangthem, S., Kumar, N. C., & Math, S. B. (2015).** Child sexual abuse is an epidemic that remains largely unreported in India. This report examines the results of research conducted in Kerala according to which 36 percent of boys and 35 percent of girls have experienced sexual abuse. Another survey revealed that roughly half of all children have been victims of sexual abuse, the highest rate being registered in the state of Assam where the figure was recorded at 57.27 percent. The problem is further aggravated by the fact that many children contract sexually transmitted diseases and that their abusers are people they know. Laws have been enacted such as the Protection of Children from Sexual Offences (POCSO) Act and Criminal Law (Amendment) Act of 2013 to ensure that strict penalties be levied on abusers of children.

36. **Bhullar, D. S., Mittal, P., & Singla, A. (2015).** This essay sheds light on the significance of development of children in a caring society with particular emphasis on the evolution of perception about childhood from being considered as mere objects to being acknowledged as beings with their own dignity in India. This paper provides an analysis of legislations related to issues concerning child labor, adoption and child sexual abuse with special focus on their inadequacies which prevent them from being implemented effectively even though there are some sensitive legislations that protect the interests of children.

37. **Seth, R. (2015).** This research paper discusses the problem of child abuse and neglect in India, which houses about 41 percent of its population below the age of 18. It stresses the necessity of educating and training doctors and other healthcare professionals as

they are likely to be the first responders in dealing with these cases of abuse and neglect. Sadly, many doctors are not well trained to provide protection for these abused and neglected children. This research paper argues that it is important to train healthcare professionals on how to detect such cases and take necessary preventive measures to ensure that these kids are protected. The paper also draws attention to the importance of the Protection of Children from Sexual Offences (POCSO) Act, 2012, which stipulates that physicians have to report cases of child abuse to the appropriate authorities or face legal charges.

38. **The Justice J.S. Verma Committee Report (2013)** continues to be the foundation stone for criminal law reforms post-Nirbhaya. Although much appreciated for its sweeping suggestions for changes ranging from more comprehensive definitions of sexual offences, increased punishment, and provisions for victim support, the Committee was also cautious about the possibility of turning criminal law into an "instrument of vengeance" (Verma Committee Report, 2013). It is clear from the report that stringent measures need to be tempered with procedural justice. Such early recognition forms one of the earliest attempts by a state body to acknowledge the possibility of the unintended consequences of strict rape laws, particularly where the lack of adequate procedural safeguards goes hand in hand with more liberal evidentiary presumptions.

39. **NEGI, R., & OJHA, J. S. (2008)**. In this paper, the author will analyze the relationship between child rights and socioeconomic conditions in India. In this regard, it is vital to mention that it is the duty of the government to create an atmosphere in which children can grow safely because this is required by the United Nations Convention on the Rights of the Child (CRC). The paper provides information on two community interventions designed to help disadvantaged children living in cities and villages in New Delhi. Several recommendations have been made, including raising awareness among families and communities about their rights and government programs, improving the current laws to provide greater protection to child victims, and creating strict procedures for justice.

3. RESEARCH GAP

Although major legal changes and an extensive scholarly literature on sexual offence law have emerged in the context of India, there is still a gap in research dealing with the misuse and over-criminalization of sexual offences.

- Scholarly literature has been preoccupied with issues concerning victim safety and access to justice, but the literature does not address issues pertaining to misuse of these laws, especially in disputes between lovers, broken promises of marriage, and interference by parents against adolescent relationships.

Empirical studies by organisations such as HAQ[21], PLD[22] and Vidhi Centre for Legal Policy[23] indicate that a substantial proportion of POCSO prosecutions involve consensual adolescent relationships. However, such researches have not yet been adequately related to the doctrinal analysis of statutory construction, legal reasoning, and constitutional protections. Studies on the misuse of rape laws and promissory marriage laws have been merely descriptive, discussing only trends within case laws but insufficiently analyzing the structural and societal reasons behind such misuse. More significantly, constitutional analysis of misuse, especially in terms of proportionality under Article 14, personal autonomy and liberty under Article 21, and decision-making freedom under Article 19, is still limited. Moreover, the concept of 'misuse' is not yet understood within the context of doctrinal overreach, strict liability doctrines, evidentiary presumptions, and mandatory procedures like the registering of a FIR. Most importantly, the problem of misuse has not yet been approached using a doctrinal and empirical framework which balances the theory of criminal justice, feminist doctrine, children's rights doctrine, and constitutional morality. Recommendations for policy changes are also limited in scope, lacking a comprehensive model for reform that addresses problems such as close-in-age exemptions and standards for informed consent, among others.

No existing study provides a region-specific, empirically grounded, doctrinal-constitutional synthesis of misuse in the Delhi NCR context, this study seeks to fill that precise gap.

[21] Ibid at 15.
[22] Ibid at 16.
[23] Ibid at 17.

3.1 PRESENT STUDY

This study investigates whether any misuse is committed of women-centric laws, especially laws against sexual offences. It explores issues related to doctrinal confusion, policing strategies, prosecuting approaches, and judicial approaches against any misuse in light of the social conditions that facilitate such misconduct. Doctrinal changes in Indian rape laws can be attributed to changes in society's value systems, constitutional policies, and judicial interventions in matters of gender justice. This chapter discusses how the doctrine of rape laws in India evolved over time, from the colonial era to the current 21st-century reforms.

4. STATEMENT OF THE RESEARCH PROBLEM

The legal framework governing sexual offences in India, strengthened through reforms following the Nirbhaya incident and guided by the Justice J.S. Verma Committee Report[24], aims to ensure robust protection for victims through statutes such as the Protection of Children from Sexual Offences Act, 2012 and provisions under the Bharatiya Nyaya Sanhita[25]; however, judicial trends reflected in cases like Pramod Suryabhan Pawar v. State of Maharashtra[26] and Mahmood Farooqui v. State (Govt. of NCT of Delhi)[27] reveal a growing concern regarding the misuse and over-criminalisation of these laws in contexts such as failed consensual relationships, promise to marry disputes, and consensual adolescent intimacy. The mandatory FIR regime under Lalita Kumari v. Government of Uttar Pradesh[28], coupled with stringent arrest and bail conditions, has at times led to mechanical prosecution, wrongful implication, and violations of fundamental rights under Articles 14 and 21, as cautioned in Arnesh Kumar v. State of Bihar[29]. It is therefore clear that the main research issue is the assessment of whether the current law, which is important for protecting victims, contributes to abuse and affects the process of justice. It calls for a well-balanced solution that would take into account the interests of the victims and those of the accused individuals, especially in the Delhi NCR area.

[24] Justice J.S. Verma Committee, Report of the Committee on Amendments to Criminal Law (Government of India, New Delhi, 2013)
[25] The Bharatiya Nyaya Sanhita, 2023
[26] (2019) 9 SCC 608
[27] 2017 SCC OnLine Del 8203
[28] (2014) 2 SCC 1
[29] (2014) 8 SCC 273

4.1 SIGNIFICANCE OF THE STUDY

This paper assumes significance since it attempts to fill the lacuna in Indian sex-offence jurisprudence, concerning the issue of ensuring rigorous protection for victims against any violation of their constitutional right to a fair trial. While prior literature has emphasized ways of enhancing the criminal response to sexual offences, this particular research helps us understand how, if left unchecked, misuse of the law can affect its credibility and overall efficacy. The doctrine gains significance here in terms of defining important terms like consent, misconception of fact, false promise of marriage, and strict liability under POCSO Act. This will help in drawing clear standards of interpretation and thereby help courts in discerning actual instances of sexual exploitation from cases where sexual offences have been wrongly reported because of consensual affairs or even social pressure. From a constitutional point of view, the significance of this paper is that it places the issue of abuse within the context of Articles 14, 19, and 21, showing how arbitrary arrest, harsh penalties, and extended period of criminal justice proceedings lead to infringement of rights to equality, personal liberty, and dignity. The use of a constitutional perspective ensures that the normative basis of balanced decision-making is reinforced. In terms of empirical contribution, the study provides insight on the problem under investigation, combining judicial practice with information provided by legal professionals, students of law, and citizens. Lastly, there is a policy component to the study, which will inform and refine suggestions for reforming the area, including through close-in-age exemptions, proper investigation criteria, and measures designed to maintain the protective nature of the legislation without criminalising individuals unfairly. The goal of the study is to restore confidence in the criminal justice process for both victims and accused parties.

4.2 RESEARCH QUESTIONS

I. What is the scope, use, and efficacy of the existing laws regarding sexual offences in India?

II. What are the various reasons for the misapplication of sexual offence laws in India?

III. What has been the judicial interpretation of the laws concerning sexual offences in India?

IV. Has the judiciary had any impact on the shaping of legal principles in sexual offences in India?

V. What are the perceptions, experiences, and responses of key stakeholders involved in the implementation and enforcement of laws relating to sexual offences?

VI. How do Indian laws on sexual offences compare with those of jurisdictions having well-developed and effective legal frameworks in this domain?

5. RESEARCH OBJECTIVES

I. To critically analyse the existing legal framework governing sexual offences in India, with particular emphasis on its scope, application, and effectiveness.

II. To identify & examine the underlying causes, patterns, and factors contributing to the misuse and abuse of laws relating to sexual offences in India.

III. To evaluate the role of the judiciary in sexual offence cases through a detailed study of judicial interpretations, reasoning & patterns.

IV. To assess the perceptions, experiences, and record responses relating to misuse & abuse of law from key stakeholders associated with the implementation and enforcement of laws relating to sexual offences laws.

V. To undertake a comparative analysis of Indian laws on sexual offences with those of jurisdictions having well-developed and effective legal frameworks in this domain.

VI. To suggest reforms to strengthen legal framework to address misuse & abuse of laws relating to sexual offences.

6. RESEARCH HYPOTHESES

H1: The misuse and abuse of laws relating to sexual offences in India are not properly addressed in the existing legal framework governing sexual offences in India.

H2: The perspective on misuse of laws of key stakeholders associated with the implementation and enforcement of laws relating to sexual offences are varied, making effective use of laws difficult.

H3: Certain foreign jurisdictions have more balanced & effective legal frameworks governing sexual offences, particularly in terms of safeguards against misuse as compared to India.

7. RESEARCH METHODOLOGY

The present study adopts a mixed-method research design, integrating doctrinal, empirical, and comparative approaches to critically examine the misuse and over-criminalisation of laws relating to sexual offences in India. Doctrinal research constitutes the basis of the study and will encompass an examination of the statutory provisions like the Bharatiya Nyaya Sanhita, 2023; Protection of Children from Sexual Offences Act, 2012; Code of Criminal Procedure, 1973 and Law Commission reports, parliamentary papers, and policies, amongst others. Judicial decisions of the Supreme Court and various High Courts are examined to trace doctrinal developments relating to consent, misconception of fact, strict liability, evidentiary presumptions, and procedural safeguards.

The study is further supplemented by a quantitative empirical component based on semi-structured questions with key stakeholders, including practising advocates, judicial officers, police personnels, Accused/ survivors of false accusations (where accessible), legal academics, in total 300 respondents will be interviewed. This component seeks to capture experiential insights into perceptions of misuse, practical challenges in investigation and adjudication, and the socio-cultural factors influencing the invocation of criminal law. The sampling technique is primarily purposive, with limited random selection employed to ensure diversity of perspectives.

In addition, the research relies on secondary empirical data, including NCRB "Crime in India" Reports, institutional studies by organisations such as HAQ, PLD, and Vidhi Centre for Legal Policy, and peer-reviewed academic literature, to contextualise and substantiate doctrinal findings.[3] A limited comparative analysis of select common-law jurisdictions, including the United Kingdom, Canada, and Australia, is undertaken to evaluate alternative legal approaches to issues such as adolescent consent, close-in-age exemptions, and procedural safeguards against wrongful implication in harassment, rape, matrimonial and other category of offences. The data is analysed through doctrinal synthesis, thematic content analysis, and comparative legal evaluation, and is interpreted within the broader constitutional framework of Articles 14, 19, and 21 of the Constitution of India.

Research Design

The study uses a mixed-method approach, combining qualitative, quantitative, analytical, and comparative approaches for examining the misuse of laws relating to sexual offence(s).

SOURCES OF DATA

Primary Data

Primary data will be gathered directly from stakeholder groups practising advocates, judicial officers, police personnels, Accused/ survivors of false accusations (where accessible), legal academics.

Secondary Data

Secondary data will be obtained from existing sources to support the study:

Legal Texts, Reports, case laws, Scholarly articles, journals, books, and legal databases (e.g., SCC Online, Manupatra).

Sampling Universe and sample size:

The current study will use convenience and random sampling strategies. The researcher will To obtain the list of beneficiaries, we need to use SLSA and then choose our respondents. The mixed methods strategy is used by combining both quantifiable results like the statistical analysis of survey results with non-quantifiable results like interviews and field observations to obtain insights on the problems and difficulties.

For the purposes of our study, Delhi NCR Region will serve as the study area.

Data Collection Tools:

Structured surveys through a questionnaire for beneficiaries to collect information on their demographics, awareness of legal aid, accessibility, and satisfaction levels. Structured interviews/ Questionare(s) with legal aid providers (e.g., practising advocates, judicial officers, police personnels, Accused/ survivors of false accusations (where accessible), legal academics) to understand their perspectives.

DATA ANALYSIS

The study further uses primary data based on semi-structured interviews conducted with three critical stakeholders, namely practicing lawyers, law students, and laypersons. The empirical aspect seeks to explore the perceptions of misuse of rape laws and POCSO Act by those who interact with the legal system in different ways. Practicing lawyers are expected to share their insights regarding the prosecution process, defence mechanism, and issues associated with the misuse of rape laws. Law students will share their views on the doctrinal aspects of rape laws, gender justice, and the teaching of consent in the law curriculum. Interviews with laypersons can shed light on societal perceptions, moral values, and cultural aspects related to adolescents' sexual activities that may lead to reports of misuse. Thematic analysis will be used to analyse

the data obtained during interviews by categorising the responses into codes like autonomy, coercion, parental control, social stigma, and criminalisation.

8. SCOPE AND LIMITATIONS OF THE STUDY

Scope of the study

This overview focuses on significant prison analysis of alleged abuse or misuse of laws referring to rape legal guidelines under the Indian Penal Code and the Protection of Children from Sexual Offenses in India Act, 2012, among others. The scope of the study is to examine criminal provisions governing sexual offences, with legislative developments and amendments brought to strengthen protection of girls and boys against sexual offences, special interest is given to understand the goals and scope of those laws The have a look at similarly analyzes judicial interpretations and important decisions that are added using the Supreme Court of India and many high courts in instances where allegations of abuse, false court cases, or malicious prosecution were mentioned. By reviewing those case legal guidelines, the research seeks to understand how courts interpret such claims and sustain the protection of victims under the rights of the accused.

In addition, look at explores situations where these laws have allegedly been abused, including instances about fake allegations, consensual relationships falling below the ambit of the POCSO Act due to age of parties, use of rape provisions in individual trials It considers having an empirical study to capture. Overall, the scope of the study is limited to criminality and doctrinal examination of allegations of abuse related to rape laws in India, with expertise in legislative provisions, judicial decisions and scholarly discussions to assess their criminal, social and judicial implications.

Limitations of the Study

Though the study makes use of a broad doctrinal and empirical analysis, there are some shortcomings in the study which need to be mentioned. The empirical component of the study is qualitative and restricted in size, depending on purposive sampling of individuals involved, and as such may not be generalizable to other jurisdictions within India. In terms of the sources for empirical material, the study is based only on reported judgments from databases like SCC Online and Manupatra, which exclude any unreported judgments and trial court records which may be helpful in understanding trends.

Also, the statistical material with regards to the rate of false allegation, acquittals, and the number of instances of misuse may be highly controversial in nature. This may also vary in

different studies and institutions. There is no cross-jurisdictional empirical study, and instead the study is limited in comparison to a select few foreign jurisdictions. Finally, it should be noted that there was no effort made to confirm the facts of each individual case and the analysis is based on legal and empirical material only.

Finally, although the research is situated in the socio-legal context of Delhi NCR and broader national characteristics are also considered, the location-unique findings will not be uniformly applicable to all constituents across India.

9. EXPECTED OUTCOME

The study aims to gain an extensive knowledge about the legislative regime for rape laws in the Indian Penal Code (renamed Bhartiya Nyaya Sanhita, 2023). It will be done through the review of the statutory laws, the changes made in response to the 2012 rape case in Delhi, and the intentions behind sexual crime laws, which include protection against sexual crimes for women and children. Through the interpretation of judicial decisions and important rulings by the Supreme Court of India and other High Courts, the study will explore ways in which courts have handled accusations of the misuse of these laws.

It will also explore situations where these laws have been misused, such as when a person files a false report, when a relationship is considered illegal due to the POCSO Act, or when the charges are used in personal grudges. Through statistical data, rate of acquittal, and studies conducted, the study will explore how such cases impact the operations of the criminal justice system. Moreover, the study would explore the legal and social repercussions of misuse allegations, including their effect on the reliability of victim claims, the rights of the accused individuals, as well as the difficulties experienced by law enforcement and judiciary officials when investigating and adjudicating such cases.

Overall, this study seeks to bring balance to the understanding of law by analyzing the ways in which law can help protect the victims of sexual crimes while upholding the constitutional rights and due process of the accused individual. In light of the results, the current research could provide recommendations on the way forward that may minimize the risk of misuse of laws while making sure that their protective intentions remain intact.

10. RESEARCH TIMELINE / WORK PLAN

The present research is proposed to be completed over a structured period from April 2026 to April 2028, divided into six sequential phases to ensure systematic progression from conceptualisation to final submission.

Phase	Activity	Timeline
Phase 1	Literature Review & Framework	April- Sept 2026
Phase 2	Research Design	Sept- Nov 2026
Phase 3	Data Collection	Dec- March 2027
Phase 4	Data Analysis	April- July 2027
Phase 5	Writing	July – Dec 2027
Phase 6	Revision & Submission	Jan- April 2028

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